

**PLACER COUNTY
AIR POLLUTION CONTROL DISTRICT**

STAFF REPORT

RULE 218

ARCHITECTURAL COATINGS

PROPOSED RULE AMENDMENTS

June 15, 2010

Deleted: July 16, 2010

BACKGROUND

Rule 218, ARCHITECTURAL COATINGS, limits the volatile organic compound (VOC) content of architectural coatings that may be used, sold, or manufactured in the District. The rule was last amended by the District on December 13, 2001.

The District is proposing amendments to Rule 218 based on a “Suggested Control Measure for Architectural Coatings” (SCM) issued on October 26, 2007 by the California Air Resources Board. The SCM provides VOC limits for 19 coating categories that are more stringent than those in current Rule 218. The SCM is intended for Districts, like Placer County, which need VOC emission reductions for attainment of State and Federal ozone standards. The SCM is considered Best Available Retrofit Control Technology, which is part of the District’s plan to meet ozone reduction requirements as required under California Health and Safety Code Section 40919; and meets the District’s requirement under California Health and Safety Code Section 40914 to implement “every feasible measure”.

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This Staff Report addresses amendments that are proposed to Rule 218 based on the SCM.

DISCUSSION

Proposed amendments to the Rule were made based on the SCM. Rule amendments, in underline/strikeout format, are shown in Attachment #1. Specific changes to the Rule include:

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Section 100. General

Section 102. Applicability. The provision covering “blends or repackages” has been added to expand Rule applicability to those activities.

Section 200. Definitions

Changes to definitions were made based on coating categories reclassifications:

Seventeen (17) definitions were eliminated, including: Antenna Coating, Antifouling Coating, Clear Brushing Lacquers, Clear Wood Coatings, Fire Retardant Coatings, Flow Coating, Lacquer, Non-industrial Use, Quick Dry Enamel, Quick Dry Primer Sealer Undercoater, Sanding Sealer, Sealer, Secondary Coating, Temperature Indicator Safety Coating, Undercoater, Varnish, and Waterproofing Concrete/Masonry Sealer

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Twenty (20) new definitions have been added, including: Aluminum Roof Coating, Basement Specialty Coating, Concrete Masonry Sealer, Driveway Sealer, Gonioapparent, Manufacturer’s Maximum Thinning Recommendation, Medium Density Fiberboard, Metallic, Particle Board, Pearlescent, Plywood, Reactive Penetrating Sealer, Secondary Industrial Materials, Semitransparent Coating, Stone Consolidant, Tub and Tile Finish Coating, Veneer, Virgin Materials, VOC Regulatory Content, VOC Actual Content, Wood Coating, Zinc-Rich Primer

Section 300. Standards

Section 301. VOC Content Limits. VOC coating categories and limits in the current Rule have been removed, and replaced with VOC coating categories and limits of the SCM.

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Section 302. Most Restrictive VOC Limits. Exemptions from this section were made consistent with the coating categories of the SCM.

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Section 303. Sell Through of Coatings. The “Averaging Program” provision was deleted.

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Section 306. Rust Preventative Coatings. This section was deleted because the SCM does not contain differentiate between non-industrial and industrial use.

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Section 307. Coatings not Listed in Section 301. A new category was added for Non-Flat High Gloss as a potential option for categorization of non-listed coatings.

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Section 308. Lacquers. This section was deleted as it is not in the SCM.

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Section 309. Averaging Compliance Option. This provision was deleted as it is not in the SCM.

Section 400. Administrative Requirements

Section 401.3. VOC Content. Labeling requirements were modified.

Section 401.4. Faux Finishing Coatings. A new provision was added with labeling requirements.

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Section 401.5. Clear Brushing Lacquers. This requirement was eliminated as lacquers are no longer a category of the SCM.

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Deleted: Lacquers

Section 401.7. Specialty Primers, Sealers, and Undercoaters. The requirement for labeling description as “blocking stains” and “for excessively chalky substances” was deleted.

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Section 401.8 through 401.12. Labeling requirements were modified based on new SCM categories.

Section 402. Calculation of VOC Content. This provision was moved to the definition section.

Section 500. Monitoring and Records

Section 501. Reporting Requirements. Replaced with new Section 501.1. “Sales Data”.

Section 502. Recordkeeping. New section added requiring reporting in Section 501 to be kept for 3 years.

Section 503. Test Procedures. This sections title was changed to “Test Methods and Compliance Provisions.”

Section 503.1. Calculation of VOC Content. A new section was created from the current Rule Section 402 and the SCM.

Section 503.4 Test Methods. Reference was added to numerous additional test methods, and minor changes were made to the references of methods in the current Rule.

Appendix A Averaging Provision

This section was eliminated, as this averaging provision is not part of the SCM.

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FINDINGS

- A. **Necessity:** The adoption of proposed amended Rule 218 satisfies the Districts objective to implement “Suggested Control Measures” for the reduction of VOCs to achieve attainment with ambient air standards for ozone, and meets the District’s requirements to implement “every feasible measure” and “Best Available Retrofit Control Technology” as required under California Health and Safety Code Sections 40919 and 40914..
- B. **Authority:** California Health and Safety Code, Sections 40000, 40001, 40701, 40702, and 40716 are provisions of law that provide the District with the authority to adopt this proposed rule.
- C. **Clarity:** There is no indication, at this time, that the proposed Rule is written in such a manner that persons affected by the Rule cannot easily understand them.
- D. **Consistency:** The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.
- E. **Non-duplication:** The regulation does not impose the same requirements as an existing state or federal regulation.
- F. **Reference:** All statutes, court decisions, and other provisions of law used by the District in interpreting this regulation are incorporated into this analysis and this finding by reference.

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SUMMARY

Rule 218, ARCHITECTURAL COATINGS, has been amended to address the “Suggested Control Measure for Architectural Coatings” issued on October 26, 2007 by the California Air Resources Board.